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# **Attorneys for Plaintiff Joe Hand Promotions, Inc.**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

## **JOE HAND PROMOTIONS, INC.,**

CASE NO. 11-cv-02554-SC

**Plaintiff.**

VS.

VIDURA TALAYARATHE, et al.

**PLAINTIFF'S EX PARTE  
APPLICATION FOR AN ORDER  
CONTINUING CASE MANAGEMENT  
CONFERENCE; AND ORDER  
(Proposed)**

### **Defendants.**

TO THE HONORABLE SAMUEL CONTI, THE PARTIES AND THEIR  
ATTORNEY/S OF RECORD:

Plaintiff Joe Hand Promotions, Inc., hereby applies *ex parte* for an order continuing the Case Management Conference in this action, presently set for Friday, March 16, 2012 at 10:00 a.m. to a new date approximately thirty (30) to forty-five (45) days forward. This request is necessitated by the fact that the Defendants Vidura Talayarathe and Italiano Restaurant, Inc. have not yet answered Plaintiff's Complaint (despite service of suit papers<sup>1</sup>).

As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive pleading from the defendant. As a result, Plaintiff's counsel has not conferred with the defendant

<sup>1</sup> Please see ECF #15 and 16.

**PLAINTIFF'S EX PARTE APPLICATION FOR AN  
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1 concerning the claims, discovery, settlement, ADR or any of the other pertinent issues involving the  
2 case itself or the preparation of a Joint Case Management Conference Statement.

4                   **WHEREFORE**, Plaintiff respectfully requests that this Honorable Court continue the Case  
5 Management Conference presently scheduled for Friday, March 16, 2012 to a new date approximately  
thirty (30) to forty-five (45) days forward.

Respectfully submitted,

11 Dated: March 8, 2012

/s/ Thomas P. Riley

**LAW OFFICES OF THOMAS P. RILEY, P.C.**  
By: Thomas P. Riley  
Attorneys for Plaintiff  
Joe Hand Promotions, Inc.

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**PLAINTIFF'S EX PARTE APPLICATION FOR AN  
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**ORDER (Proposed)**

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9 It is hereby ordered that the Case Management Conference in civil action number 3:11-cv-02554-  
10 SC styled *Joe Hand Promotions, Inc. v. Vidura Talayarathe, et al.*, is continued to April 20, 2012 at  
11 10:00 a.m.

12 Plaintiff shall also serve a copy of this Order on the Defendants and thereafter file a Certification  
13 of Service of this Order with the Clerk of the Court.

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16 **IT IS SO ORDERED:**



3/13/12  
Dated: \_\_\_\_\_

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**PROOF OF SERVICE (SERVICE BY MAIL)**

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10 I declare that:

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12 I am employed in the County of Los Angeles, California. I am over the age of eighteen years  
13 and not a party to the within cause; my business address is 1114 Fremont Avenue, South Pasadena,  
14 California 91030. I am readily familiar with this law firm's practice for collection and processing of  
15 correspondence/documents for mail in the ordinary course of business.

16 On March 8, 2012, I served:

17  
18 **PLAINTIFF'S AMENDED EX PARTE APPLICATION FOR AN ORDER  
19 CONTINUING CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed)**

20 On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage  
21 prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

22  
23 Vidura Talayarathe (Defendant)  
24 3800 Klose Way, Suite H  
25 Richmond, CA 94806

26 Italiano Restaurants, Inc. (Defendant)  
27 3800 Klose Way, Suite H  
Richmond, CA 94806

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30 **PLAINTIFF'S EX PARTE APPLICATION FOR AN  
31 ORDER CONTINUING CASE MANAGEMENT  
32 CONFERENCE; AND ORDER (Proposed)  
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1 I declare under the penalty of perjury pursuant to the laws of the United States that the  
2 foregoing is true and correct, and that this declaration was executed on March 8, 2012, at South  
3 Pasadena, California.

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5 Dated: March 8, 2012

*/s/ Maria Baird*

**MARIA BAIRD**

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